

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AUDY J. FLEMING,

Defendant.

NO. MJ10-254

N.D. Texas No. 6-10CR-16

DETENTION ORDER

Offense charged:

Count 1: Assault Within Territorial Jurisdiction of United States, with a Dangerous Weapon and with Intent to Do Bodily Harm, in violation of 18 U.S.C. § 113(a)(3)

Date of Detention Hearing: June 18, 2010.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds the following:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. According to law enforcement reports, defendant struck his wife three times, choked her into unconsciousness, and when she regained consciousness he threatened her with a knife.

DETENTION ORDER

18 U.S.C. § 3142(i)

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1 2. He told arresting officers he would remain in Texas, but in fact he traveled to
2 the State of Washington within three days after the incident. He alleges he inquired of the
3 local sheriff as to whether charges had been filed, and provided his address in Washington. He
4 does not claim to have made further contact with federal law enforcement, however.

5 3. He as established positive ties in this area with friends and employment. But he
6 will be required to return to Texas for proceedings in this case.

7 4. The danger to his wife continues, notwithstanding the entry of a protection
8 order. The protection order recites that defendant has violent tendencies, is a martial arts
9 expert, is an alcoholic, is suicidal, and required medication.

10 5. Defendant checked himself into a mental institution on March 22, 2010, about
11 two weeks prior to this incident. He has also been a long-time user of methamphetamines, but
12 claims to have stopped on March 22, 2010.

13 6. The United States Attorney in the Northern District of Texas has requested
14 defendant's detention.

15 7. There are no conditions or combination of conditions other than detention that
16 will reasonably assure the appearance of defendant as required or ensure the safety of the
17 community.

18 IT IS THEREFORE ORDERED:

- 19 (1) Defendant shall be detained pending his initial appearance in the Northern
20 District of Texas and shall be committed to the custody of the Attorney General
21 for confinement in a correction facility separate, to the extent practicable, from
22 persons awaiting or serving sentences or being held in custody pending appeal;
23 (2) Defendant shall be afforded reasonable opportunity for private consultation with
24 counsel;
25 (3) On order of a court of the United States or on request of an attorney for the
26 government, the person in charge of the corrections facility in which defendant

1 is confined shall deliver the defendant to a United States Marshal for the
2 purpose of an appearance in connection with a court proceeding;

3 (4) This Detention Order is without prejudice to any application for release which
4 defendant and his counsel might present to the U.S. District Court for the
5 Northern District of Texas; and

6 (5) The Clerk shall direct copies of this Order to counsel for the United States, to
7 counsel for the defendant, to the United States Marshal, and to the United States
8 Pretrial Services Officer.

9 DATED this 18th day of June, 2010.

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11 s/ JOHN L. WEINBERG
12 United States Magistrate Judge
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